

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

May 1, 2006

MISC. ORDER 2006-005

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on May 5, 2006, and May 8, 2006, or until his return. (See Cal, Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Scotland, P.J.

C048962 THE PEOPLE v. CALL, JR. (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Scotland, P.J.
 Nicholson, J.

C049405 THE PEOPLE v. CHAVEZ (Not for Publication)

The judgment is modified... As modified, the judgment is affirmed.

The trial court is directed to prepare an amended abstract of judgment incorporating these changes and to forward a certified copy to the Department of Corrections and Rehabilitation.

ROBIE, J.

We Concur: Blease, Acting P.J.
 Butz, J.

C050968 In re KERRY K., a Minor, on Habeas Corpus (CERTIFIED FOR PUBLICATION)

As Kerry K. is no longer subject to the unlawful detention order, the order to show cause is discharged. The writ of habeas corpus is denied. **(CERTIFIED FOR PUBLICATION.)**

BUTZ, J.

We Concur: Morrison, Acting P.J.
 Hull, J.

May 2, 2006

C049880 THE PEOPLE v. VANCE (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.
 Robie, J.

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May 2, 2006, continued

- C049994 THE PEOPLE v. PARHAM (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C050566 DANIEL V. v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY and THE PEOPLE**
C051071 JAMIE K. v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY and THE PEOPLE (CERTIFIED FOR PUBLICATION)
In both case No. C050566 and case No. C051071, let a peremptory writ of mandate issue, directing the juvenile court to vacate its orders denying the peremptory challenges (Code Civ. Proc. § 170.6), and to enter new orders accepting the peremptory challenges. The alternative writ, having served its function, is discharged. Out orders staying proceedings in the juvenile court are vacated. The parties shall bear their own costs of the writ petitions and proceedings in this court. (Cal. Rules of Court, rule 56(l).)
SIMS, Acting P.J.
We Concur: Nicholson, J.
Raye, J.
- C051964 FELICIA R. v. THE SUPERIOR COURT OF BUTTE COUNTY and BUTTE COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES (Not for Publication)**
The petition for extraordinary writ is granted as to the claim that the juvenile court failed to exercise its discretion as required by section 366.21, subdivision (e), regarding Tyler and is denied as to the remaining issues...
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C051983 JAMIE K. v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY and THE PEOPLE (Not for Publication)**
Let a peremptory writ of mandate issue, directing the juvenile court to accept Jamie K.'s Code of Civil Procedure section 170.6 challenge. The alternative writ, having served its function, is discharged. The parties shall bear their own costs for the writ petition and proceedings in this court. (Cal. Rules of Court, rule 56(l).)
SIMS, Acting P.J.
We Concur: Nicholson, J.
Raye, J.

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May 3, 2006

- C046314 THE PEOPLE v. LOWELL (Not for Publication)**
The convictions on counts 5, 13, 19, 45, 46, 47, and 48 are reversed, and the trial court is directed to dismiss those counts... As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification, and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
SCOTLAND, P.J.
We Concur: Blease, J.
 Butz, J.
- C049227 THE PEOPLE v. JONES (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Blease, J.
 Butz, J.
- C047916 THE PEOPLE v. CRAVER (Not for Publication)**
THE COURT:
It is ordered that the opinion filed herein on April 6, 2006, be modified as follows:...
... This modification does not change the judgment.
Defendant's petition for rehearing is denied.
SCOTLAND, P.J.
SIMS, J.
DAVIS, J.
- C048339 THE PEOPLE v. RUSSELL**
BY THE COURT:
Respondent's petition for rehearing is denied.
BLEASE, Acting P.J.

May 4, 2006

- C048803 THE PEOPLE v. LINDER (Certified for Partial Publication)**
The judgment of conviction is affirmed. The sentence imposed is vacated and the matter remanded to the trial court with directions to resentence defendant, exercising its discretion to impose concurrent or consecutive life sentences for counts 1 through 5, 9 and 11.
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
 Sims, J.

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May 4, 2006, continued

- C049647 THE PEOPLE v. PERKINS (Not for Publication)**
The judgment is reversed. The first amended information is dismissed, and defendant shall not be retried thereon. Upon the finality of this opinion, defendant shall be discharged from custody. (Pen. Code, § 1262.)
SIMS, J.
We Concur: Blease, Acting P.J.
 Hull, J.
- C050996 THE PEOPLE v. COSTES (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
BUTZ, J.
We Concur: Sims, Acting P.J.
 Morrison, J.
- C050077 TAYLOR v. BROWN et al. (Not for Publication)**
The judgment in favor of defendants is reversed. The trial court shall enter judgment in favor of the plaintiff. Costs are awarded to plaintiff. (Cal. Rules of Court, rule 27(a) (1).)
BLEASE, Acting P.J.
We Concur: Robie, J.
 Butz, J.
- C047945 In re ADAM A.; THE PEOPLE v. ADAM A. (Not for Publication)**
The order committing the minor to CYA is affirmed. However, the matter is remanded to the juvenile court...
BUTZ, J.
We Concur: Blease, Acting P.J.
 Davis, J.
- C048787 In re PRISCELLA C.; THE PEOPLE v. PRISCELLA C. (Not for Publication)**
The juvenile court's order sustaining the forgery charge is reversed and the charge is dismissed. The court's orders of wardship and commitment of the minor to CYA are also reversed. The juvenile court is directed to prepare appropriate documents reflecting these changes and to forward a copy thereof to the Director of CYA.
BLEASE, Acting P.J.
We Concur: Robie, J.
 Butz, J.

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May 4, 2006, continued

**C047826
C049616**

**YEO LAI SAH BUDDIST MONASTERY AND ZEN TEMPLE OF AMERICA v.
NELIDOVE et al. and YEO LAI SAH BUDDIST MONASTERY AND ZEN
TEMPLE OF AMERICA v. NELIDOVE et al. and LEE**
BY THE COURT:

Appellant's petition for rehearing is granted. The decision filed on April 4, 2006, is vacated.

SCOTLAND, P.J.

May 5, 2006

C049226

THE PEOPLE v. APIAG

(Not for Publication)

The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and to forward a certified copy to the Department of Corrections and Rehabilitation.

BLEASE, Acting P.J.

We Concur: Robie, J.

Butz, J.

C049502

THE PEOPLE v. RAMIREZ

(Not for Publication)

The 180 day concurrent sentence imposed for misdemeanor inducing false testimony (count 23) is stayed pursuant to Penal Code section 654. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

NICHOLSON, J.

We Concur: Blease, Acting P.J.

Robie, J.

C050006

In re REGINALD B.; THE PEOPLE v. REGINALD B.

(Not for Publication)

The judgment is modified... As so modified, the judgment is affirmed.

DAVIS, J.

We Concur: Scotland, P.J.

Sims, J.

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The Minutes

May 5, 2006, continued

- C050436 JACOB B. v. COUNTY OF SHASTA et al. (Not for Publication)**
The order denying plaintiff's motion for attorney fees under section 1021.5 is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Raye, J.
- C050497 In re EDITH K. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. L.K. (Not for Publication)**
The judgment of disposition and orders terminating the dependency and awarding sole custody of E.K. to G.K. are affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Sims, J.